

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARTIST PARTNER GROUP, INC.,

Plaintiff,

v.

ALEXIS JAYDE BURNETT,

Defendant.

Case No. 2:24-cv-10881-SB-PVC

ORDER TO SHOW CAUSE RE
SUBJECT-MATTER
JURISDICTION

Defendant filed a motion to dismiss Count 2 of the complaint for lack of subject-matter jurisdiction, contending that Plaintiff had engaged in improper forum shopping by using its copyright infringement claim in Count 1 as a predicate to bring its unrelated state law claim for breach of contract in federal court. Dkt. No. 14. The motion is set for hearing on February 28, the same date as the mandatory scheduling conference (MSC).

On February 4, the parties filed a stipulation to withdraw the motion to dismiss because the parties are considering “consolidating” the claims pending in state court into this action. Dkt. No. 21. Defendant, however, has raised serious arguments in its motion that the Court either may not or should not exercise supplemental jurisdiction over Plaintiff’s state law claim—and those concerns seem likely to apply to the additional state law claims the parties may wish to add. While Defendant may have strategic reasons not to pursue the arguments it raised, courts have an independent obligation to examine their jurisdiction and may raise the question of subject-matter jurisdiction sua sponte at any time. *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 673 (9th Cir. 2012); *see also Guzman-Andrade v. Gonzales*, 407 F.3d 1073, 1077 (9th Cir. 2005) (parties’ agreement cannot create subject-matter jurisdiction or waive its absence). Accordingly, the Court permits Defendant to withdraw its motion to dismiss, but Plaintiff is ordered to show cause in writing no later than February 10, 2025, why the Court should not decline to

exercise supplemental jurisdiction over Count 2 for the reasons stated in Defendant's withdrawn motion. Plaintiff should be prepared to address the order to show cause at the February 28 MSC if the Court has not ruled on the matter by that time.

Date: February 5, 2025



Stanley Blumenfeld, Jr.
United States District Judge